

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF MICHIGAN  
3 SOUTHERN DIVISION  
4 LEAGUE OF WOMEN VOTERS OF  
5 MICHIGAN, ROGER J. BRDAK,  
6 FREDERICK C. DURHAL, JR., JACK E.  
7 ELLIS, DONNA E. FARRIS, WILLIAM  
8 "BILL" J. GRASHA, ROSA L.  
9 HOLLIDAY, DIANA L. KETOLA, JON  
10 "JACK" G. LASALLE, RICHARD "DICK"  
11 W. LONG, LORENZO RIVERA, and  
12 RASHIDA H. TLAIB,  
13 Plaintiffs,  
14 -v- Case No.  
15 2:17-cv-14148-DPH-SDD  
16 RUTH JOHNSON, in her official  
17 capacity as Michigan Secretary of  
18 State,  
19 Defendant.

20 The 30(b)(6) deposition of League of Women Voters  
21 of Michigan, by and through SUSAN K. SMITH, taken  
22 before Ms. Suzanne Duda, CSR-3199, RPR, CRR, Notary  
23 Public, at 350 South Main Street, Suite 300, Ann Arbor,  
24 Michigan, on Tuesday, September 11, 2018, commencing at  
25 9:00 a.m.

APPEARANCES:

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1 TABLE OF CONTENTS

2	WITNESS: SUSAN K. SMITH	PAGE
3	Examination by Mr. Shannon	4
4	Examination by Mr. Yeager	74

5 \* \* \* \* \*

6 INDEX OF EXHIBITS

7	EXHIBIT	PAGE
8	Deposition Exhibit Number 1	9
9	(Amended Notice of Taking 30(b)(6) Deposition	
10	of the League of Women Voters of Michigan)	
11	Deposition Exhibit Number 2	22
12	(Membership Application Form)	
13	Deposition Exhibit Number 3	25
14	(New Member Handbook: League of Women Voters	
15	Michigan 2017)	
16	Deposition Exhibit Number 4	35
17	(Spreadsheet of League Members)	
18	Deposition Exhibit Number 5	42
19	(Complaint for Declaratory and Injunctive	
20	Relief)	
21	Deposition Exhibit Number 6	74
22	(Two-Page List of League Members)	
23	(Deposition Exhibit Numbers 1-6 are attached.)	

24 \* \* \* \* \*

25

1 Tuesday, September 11, 2018  
2 Ann Arbor, Michigan  
3 9:00 a.m.

4 R E C O R D

5 THE COURT REPORTER: Do you swear or  
6 affirm to tell the truth, the whole truth, and  
7 nothing but the truth, so help you God?

8 MS. SMITH: I do.

9 SUSAN K. SMITH,  
10 a witness herein, was called for examination, and  
11 after having been sworn, was examined and testified  
12 on her oath as follows:

13 MR. SHANNON: Thank you and good morning.

14 THE WITNESS: Good morning.

15 MR. SHANNON: My name is Ryan Shannon and  
16 I'm counsel for the defendant in this matter, the  
17 Michigan Secretary of State, on the phone we have  
18 Phillip Gordon, who is counsel for the  
19 congressional intervenors in the case, and we're  
20 here today to take your deposition, which is a  
21 30(b)(6) deposition.

22 EXAMINATION

23 BY MR. SHANNON:

24 Q Could you please state your name for the record.

25 A Susan K. Smith.

1 MR. SHANNON: Okay. Before we jump into  
2 the questioning here, I understand that plaintiffs  
3 are not designating today a witness on Topics 2(a)  
4 or 2(b) -- I'm sorry -- Topics 2(b) or 2(c) in the  
5 deposition notice that we sent out. I'd ask  
6 plaintiffs' counsel to make a statement on the  
7 record regarding that.

8 MR. YEAGER: Thank you. And I'd like to  
9 just state our objections for the record, as we  
10 discussed.

11 MR. SHANNON: Sure.

12 MR. YEAGER: As to the designation,  
13 subject to the objections that we are -- will state  
14 here in a moment and as previously discussed  
15 between me and Mr. Shannon, we are designating  
16 Ms. Smith as to Topic 2(a), again, subject to the  
17 objections. We are not at this time designating a  
18 witness for 2(b) and 2(c).

19 As to the notice itself, the plaintiffs  
20 object that the notice attempts to use the 30(b)(6)  
21 and, in general, the deposition process under Rule  
22 30 as a procedure to conduct contention-style  
23 interrogatory -- I'm sorry, contention-style  
24 discovery -- and we object to that. We think it is  
25 inappropriate for a deposition setting, and there's

1 authority on that that we have discussed in  
2 general.

3 That type of discovery has been conducted  
4 in this case. There's an interrogatory that we  
5 responded to and supplemented twice in some detail  
6 that's a contention-style interrogatory. Those  
7 types of inquiries from this kind of  
8 contention-style discovery are properly directed to  
9 the lawyers, not to a witness, or even a 30(b)(6)  
10 witness.

11 We are designating Ms. Smith today to  
12 testify as to facts, not as to legal conclusions  
13 and not as to matters of mixed law and fact. The  
14 witness is not a lawyer. She is testifying as to  
15 Topic 2(a) only and only subject to the prior  
16 direction and objection that was stated. We  
17 believe there are contention-style elements to 2(a)  
18 but there are also factual elements as to what  
19 she's prepared to testify.

20 In addition, we'd object that the  
21 deposition notice is overbroad, it is unduly  
22 burdensome, the burdens it would propose to impose  
23 are disproportionate to the needs of the case given  
24 the other discovery that has been conducted and is  
25 being conducted, it's duplicative of other

1 discovery and in particular with regard to remedial  
2 maps of which we have provided several thousand.

3 And, finally, we also think that the  
4 discovery as to the remedial maps is premature as  
5 they are a sort of remedy before the Court has  
6 decided which districts were drawn in violation of  
7 the 14th and the 1st Amendments to the Constitution  
8 of the United States.

9 Thank you for the time, Mr. Shannon.

10 MR. SHANNON: All right. Thank you, Jay.  
11 I will -- we have talked at some length about how  
12 we considered the maps to be an issue regarding  
13 redressability, and in particular whether there is  
14 a map known to plaintiffs that will satisfy the --  
15 actually provide a remedy to all of the plaintiffs  
16 in this matter. We'll get into that more later  
17 between the lawyers. I don't plan on making those  
18 arguments in a deposition context certainly, but  
19 we've had some discussions, and I'm sure we'll  
20 be -- we'll have some more on that later.

21 MR. YEAGER: I think both sides have  
22 preserved their positions well on that.

23 MR. SHANNON: That's correct.

24 And just at the outset, you're not  
25 directing Ms. Smith not to answer any questions at

1 of clarification, not to change her answer, that we  
2 did produce a roster of League members in our  
3 interrogatory responses that was current at that  
4 time.

5 I'm sorry to interrupt.

6 THE WITNESS: Thank you.

7 MR. SHANNON: Thank you, Jay.

8 Q (MR. SHANNON) Do you know how that compares, that  
9 number -- you said between 2,000 and 2,500?

10 A Uh-huh.

11 Q Do you know how that compares to, say, two years  
12 ago?

13 A It's higher.

14 Q How much higher, do you know?

15 A I can't give you the exact number. I know that  
16 it's significantly higher than it has been, say, in  
17 2015 for an example.

18 Q Would you say 500 more members, roughly?

19 A Probably, at least.

20 Q Okay. Does the League require that members  
21 identify their political affiliation as a condition  
22 of joining the League?

23 A No, it does not.

24 Q Okay. Other than the exercise you talked about  
25 where various League members reached out to -- I'm



1 during the time that I hold office in the League.

2 The constraints for board members who are  
3 not officers are different than they are for the  
4 officers.

5 Q I want to return to the exercise that you described  
6 earlier wherein personnel from the League contacted  
7 members of the League.

8 A Uh-huh.

9 Q I asked you if you had brought the script today and  
10 you said you have not.

11 A Correct.

12 Q Can you tell me what questions were in the script?

13 A I can tell you what I remember, I can't tell you  
14 whether it's an exhaustive list or not.

15 Q Please do.

16 A One of the questions was, of course, to confirm  
17 their name and address. We asked them if they were  
18 a registered voter. No, I don't know that I -- I'm  
19 sorry, let's strike that. I don't remember that.  
20 I know you asked me, and I don't know for sure.

21 We did ask them if they voted in the 2016  
22 election, which would certainly imply that they  
23 were a registered voter, but -- especially at  
24 the -- on the state races, and did they vote for  
25 Democrats in the state races in 2016, and if they

1       said yes, then we asked them about their level of  
2       participation. Were they a member of the  
3       Democratic Party? Did they support Democratic  
4       candidates with money or time? Did they attend  
5       activities sponsored by the Democratic Party? So  
6       forth.

7       Q   Do you recall, did you ask -- not you personally I  
8       mean but the League --

9       A   Uh-huh.

10      Q   -- did they ask anything concerning prior elections  
11      to 2016?

12      A   I think there were, in some instances, conversation  
13      about the 2014 election.

14      Q   Were there any questions about the -- I'm sorry, I  
15      didn't mean to cut you off.

16      A   Go ahead.

17      Q   Was that your complete answer?

18      A   Yes.

19      Q   2014? Okay. Were there any questions about the  
20      2018 election and their intent to vote in 2018?

21      A   No.

22      Q   What about in 2020?

23      A   No.

24      Q   Were there questions about particular candidates  
25      they had voted for or merely whether they had

1 voted?

2 A It was the statewide races.

3 Q There were no questions about individual  
4 congressional races?

5 A Well, when I say state races, I'm referring to  
6 votes for the state Legislature, the House or the  
7 Senate. Certainly, when you vote for your  
8 congressional representative, it's a representative  
9 from Michigan, so that would -- that would have  
10 been included.

11 Q So to clarify, when you said state -- you made  
12 inquiry as to state races or statewide races,  
13 you're talking about inquiries as to whether they  
14 voted for a particular candidate --

15 A No.

16 Q No. You asked them whether they voted for state  
17 representative?

18 A We asked them if they voted for a Democrat in the  
19 state races such as the State House, State Senate,  
20 congressional race. We were differentiating  
21 between those races and a federal race, like the  
22 president for example.

23 Q Well, Congress would be a federal race. Did you  
24 ask them if they voted for a Democrat for Congress?

25 MR. YEAGER: Objection, asked and

1 answered.

2 You may answer.

3 THE WITNESS: Again, as I -- and we, as  
4 discussed, I don't have the script in front of me  
5 so I don't have the exact questions. It was  
6 certainly our intent to find out if they voted for  
7 Democrats, the State House, the State Senate, the  
8 U.S. Congress.

9 Q (MR. SHANNON) Did you ask them if they voted for a  
10 party nominee or did they write in a Democrat?

11 A We just said did they vote for a Democrat.

12 Q Did you ask them if they voted in the general or in  
13 the primary?

14 A Again, I'd have to go back and look at the question  
15 to be sure whether there was a differentiation  
16 about that or not.

17 Q Did you ask them if they split their ticket at all?

18 A No, we just asked them did you vote Democrat in  
19 those elections that I've already described.

20 Q Did you ask them about their political affiliation  
21 as of December of 2017?

22 A December of 2017?

23 Q Correct.

24 A No.

25 Q Can you tell me the time frame when this exercise

1           took place?

2       A    July and August of 2018.

3       Q    Do you recall if it started in early July or late  
4           July?

5       A    I'd have to look at my notes to see when that  
6           actually started.

7       Q    Did you ask any members if they were Republicans in  
8           that exercise?

9                   MR. YEAGER: Objection, asked and  
10          answered.

11                   You may ask -- or you may answer.

12                   THE WITNESS: Pardon me?

13                   MR. YEAGER: You may answer.

14                   THE WITNESS: The question was "Did you  
15          vote for a Democrat in the 2016 elections," as I  
16          have already described, and if you did, if they  
17          said yes, then we asked them other questions  
18          related to their possible activity as Democrats.

19       Q    (MR. SHANNON) So if the answer was no, there wasn't  
20          a follow-up question --

21       A    Correct.

22       Q    Just for the sake of the court reporter, when I'm  
23          asking a question, if you could wait until it's all  
24          the way out, that way we don't have overlap.

25       A    Thank you.

1 A I take your word for it in terms of the math.

2 Q Okay. And I'm sure we can move forward on the  
3 basis that there are a large number of League  
4 members in House District 69?

5 A There are.

6 Q Okay. Does that district, House District 69 which  
7 covers Lansing and East Lansing, does that district  
8 typically vote Democrat or Republican, if you know?

9 A I don't know.

10 Q Okay. So I'm going to define a term for you now.  
11 I'm going to use the word "inadequate," and I'm  
12 going to use that in reference to a representative,  
13 an elected official.

14 A As an inadequate representative?

15 Q Correct.

16 A Are you talking about the person?

17 Q The person. And so by inadequate, I'm meaning that  
18 the representative is not responsive to a voter or  
19 ignores issues that are important to that voter,  
20 okay?

21 Do you know if any of the League members  
22 listed in House District 69 feel that their  
23 representative is inadequate?

24 A I don't know.

25 Q Do you know if any League member in any district

1 feels their representative is inadequate?

2 A Any League member in any district in the state  
3 feels their representative -- are we talking about  
4 the House representative?

5 Q Just the House, yes.

6 A I have heard general conversations, but I can't  
7 give you specifics.

8 Q Do you know which League members those  
9 conversations involved?

10 A I do not.

11 Q What about for the State Senate? Same question.  
12 Do you know if any League members in any Senate  
13 district feel their representative is inadequate?

14 A I have heard comments to that effect, yes.

15 Q Specifically, do you know which League members?

16 A I cannot tell you which League members said that to  
17 me.

18 Q Same for Congress. Do you know of any League  
19 members in any congressional district who feel  
20 their congressperson is inadequate?

21 A I have heard the comment.

22 Q Specifically do you know which League members?

23 A I cannot give you a name.

24 Q Do you know if any of the 103-odd League members  
25 living in House District 69 feel that they have

1           been unable to access their representative or to  
2           express their views to their representative?

3       A    Do I know of any League members in House  
4           District 69 who feel that -- that they want -- they  
5           couldn't . . .

6       Q    I'll repeat the question in full.

7       A    Okay.

8       Q    Do you know of any League members living in House  
9           District 69 that feel they have been unable to  
10          access their representative or to express their  
11          views to their representative?

12      A    I don't know of any specific League members.

13      Q    Do you know even generally if there's a feeling  
14          among League members of that nature in House  
15          District 69?

16      A    I don't know of any.

17      Q    Do you know if any League members in any district  
18          feel that way? And I'm talking specifically about  
19          the House.

20      A    I have heard League members say that.

21      Q    Which ones?

22      A    I can't give you specific names.

23      Q    Do you know which districts they lived in?

24      A    I would have to sit down and look at the districts  
25          and think about where I heard those comments.



1 Right off the top of my head, I don't think I could  
2 do that for you.

3 Q Well, we've got a list of districts here with the  
4 members.

5 A Correct.

6 Q And so I understand it may take a moment, but I'd  
7 like to ask you to take that exercise and tell me  
8 which districts you've heard members complain about  
9 inability to access their representatives.

10 THE WITNESS: Is this a reasonable  
11 question?

12 MR. YEAGER: Well, I object because I  
13 think the question assumes facts not in evidence.  
14 The witness has testified that she can't identify  
15 an individual who made the comments that you had  
16 asked about, and so I think that asking her to look  
17 through a list of individuals is going to be a  
18 fruitless exercise.

19 If you want her to look through and see  
20 if it reminds her, that's -- that's up to you, but  
21 I object to the question as stated.

22 Q (MR. SHANNON) My specific question is as to  
23 districts, not individuals. You said that you  
24 would have to look at the list of districts and  
25 think about whether or not you had ever had any

1 Q Okay. So I think, actually, I'm going to cut this  
2 exercise short by just repeating the question and  
3 making sure I have your testimony correct. And  
4 your lawyer will probably object on an  
5 asked-and-answered basis, and that's fine.

6 Do you recall any specific concern  
7 expressed by any member in any district regarding  
8 their ability to access their representative or  
9 express their views to their representative in the  
10 Michigan House?

11 MR. YEAGER: Asked and answered. And I'd  
12 ask that the question be read back, if it's okay  
13 with you, so the witness may hear the entire  
14 question again.

15 MR. SHANNON: That's fine.

16 (The record was read back by the court  
17 reporter as follows:

18 "QUESTION: Do you recall any specific  
19 concern expressed by any member in any  
20 district regarding their ability to  
21 access their representative or express  
22 their views to their representative in  
23 the Michigan House?"

24 THE WITNESS: Yes, I do.

25 Q (MR. SHANNON) Which specific member?

1       A    I told you I can't give you names of specific  
2           members. You asked me did I recall any member. I  
3           remember conversations at League meetings, people  
4           expressing their opinions about their relationships  
5           with their representatives. I do not and cannot  
6           give you specific names.

7       Q    Do you recall which specific representative?

8       A    Talking just the House?

9       Q    Just the House.

10      A    No.

11      Q    What about for the Senate, the same question. Do  
12           you recall any specific member of the League  
13           expressing concern to the League or others about  
14           their ability to access or express their views to  
15           any member of the Michigan Senate?

16                   MR. YEAGER: The same objection.

17                   You may answer.

18                   THE WITNESS: I recall people expressing  
19           frustration over their ability to access their  
20           senator, but I do not recall the names of those  
21           individuals.

22      Q    (MR. SHANNON) And, finally, for Congress, same  
23           question.

24      A    Yes, I recall League members expressing frustration  
25           over their ability to access their U.S.

1 congressperson.

2 Q Do you recall which specific League members?

3 A I do not recall which specific League members.

4 Q Do you recall which specific congressmen?

5 A Hmm. He was over from the west side of the state.

6 Can't remember his name.

7 Do you have a list of the senators?

8 Q The congressmen?

9 A I mean the congresspeople?

10 Q I don't have one with me.

11 A Somebody that's over on the west side of the state.

12 Q Do you remember the specific concern expressed  
13 regarding access?

14 A Yes, and, actually, it's a concern that League  
15 members have expressed to me in a number of places  
16 across the state, and that there are two instances  
17 where League members interact with people who are  
18 their representatives in the House or the State  
19 Senate or the U.S. Congress. One of those times  
20 when they interact is when we hold candidate  
21 forums, such as we've been holding this past summer  
22 and will hold this fall, where those who are  
23 running for office -- and, of course, many of them  
24 are incumbents -- are invited to come and do a  
25 public meeting and present their views and their

1 responses to League members' questions. And in  
2 some instances, their representative or their  
3 congressperson or their senator has refused to  
4 participate in the candidate forum.

5 The other instance where League members  
6 interact in a formal way as League members is at  
7 the beginning of each session, either legislative  
8 or congressional, we provide a list of suggested  
9 interview questions and suggest that League members  
10 reach out to their representative, senator or  
11 congressperson over an informal meeting, over a cup  
12 of coffee, get acquainted, talk about the League if  
13 they don't -- if they're not familiar with the  
14 League, find out, you know, what the League -- what  
15 that candidate -- I'm sorry -- what that  
16 officeholder's point of view might be, how they  
17 look at various issues that are coming up before  
18 the state or the federal Congress, and to really  
19 try to develop a relationship with that person so  
20 that in the future, if there is legislation either  
21 coming up in the state Legislature or in the U.S.  
22 Congress that the League is interested in  
23 expressing either -- some kind of advocacy either  
24 in support of a particular bill or in opposition to  
25 a particular bill, that that League would already

1 have established a relationship with their  
2 representative.

3 Q So at these various forums when someone expressed a  
4 concern about a representative's accessibility or  
5 an elected official not listening or refusing to  
6 listen to concerns --

7 A Or refusing to participate.

8 Q -- or refusing to participate -- do you know was  
9 the person expressing that concern a registered  
10 voter?

11 A I'm assuming they are because voter registration is  
12 extremely important to the League. It's part of  
13 our mission. It would be very unusual for any  
14 League member to not be a registered voter. I do  
15 not know of any League member that I ever had  
16 reason to believe they're not a registered voter.

17 Q Persons under the age of 18 can be League members.  
18 You testified to that before.

19 A This is correct, this is a new change to the  
20 membership, and so, yes, it's certainly possible.  
21 But the -- the people that I interact with who are  
22 part of these candidate forums tend to be older  
23 members of the League who are clearly eligible to  
24 vote.

25 Q The persons expressing these concerns?

1 A Yes.

2 Q Again, you don't know -- you don't know  
3 specifically any names of these people?

4 A Correct.

5 Q Do you know if they are Democrats?

6 A I don't know because the League doesn't ask.

7 Q Okay. So returning to House District 69 --

8 A Uh-huh.

9 Q -- and the large number of League members living in  
10 House District 69, do you know if any of them were  
11 prevented from voting for the candidate of their  
12 choice in House District 69 due to the shape of  
13 their district?

14 A I don't know.

15 Q Do you know that for any House district?

16 A I'm sure that that is true of a number of House  
17 districts, but without going through the documents  
18 that I didn't bring with me, I would have to say  
19 that I can't really guess, because I am not  
20 familiar enough with the district maps to be able  
21 to say that I know where each of these districts is  
22 located or what they look like.

23 Q Do you know of any member of the League in any  
24 district who was not able to vote for the candidate  
25 of their choice?

1       A   Well, if they -- it depends on what district they  
2       lived in. If they lived in a district where it was  
3       one-sided, well -- so you asked me do I know of  
4       someone who lives in a House district who -- what  
5       was that again? Who couldn't vote . . .

6       Q   For the candidate of their choice.

7       A   You can always vote for the candidate of your  
8       choice, the question is whether that person has a  
9       chance of winning or not.

10      Q   Okay. What about State Senate districts? Same  
11      question.

12      A   Uh-huh. Unless there's some barrier to voting,  
13      which is a different issue, to having access to the  
14      polls or whatever, a person can always vote for a  
15      candidate of their choice. Whether that person has  
16      any chance of actually being elected is a second  
17      issue.

18      Q   And same for Congress, congressional district?

19      A   Again, unless there is some barrier to a person's  
20      having access to a ballot, there is no reason why a  
21      person couldn't vote for a candidate of their  
22      choice. Whether that vote means anything in terms  
23      of that person having a chance to get elected is  
24      another issue.

25      Q   Okay. I'm going to define another term for you.



1 THE WITNESS: Oh.

2 Would you repeat the question, please?

3 Q (MR. SHANNON) Since 2011, do you know of any League  
4 member who feels they were stereotyped by their  
5 elected House member?

6 A I have not heard that from any specific League  
7 member.

8 Q What about state senator? Same question.

9 A I have not heard that complaint by any specific  
10 League member.

11 Q What about with respect to congressional  
12 representatives? Same question.

13 A I have not heard that complaint by any specific  
14 League member.

15 Q Was a question regarding stereotyping or anything  
16 similar included within the script used when voters  
17 were contacted, members were contacted, to  
18 determine how they voted?

19 A They were asked whether or not they voted in a  
20 certain way and they were asked if they  
21 participated in certain Democratic Party  
22 activities.

23 Q Were there any questions whatsoever concerning  
24 their specific district and how they interacted  
25 with their elected representative?

1 A No.

2 Q All right. Just one more set of questions here and  
3 I think we'll be done.

4 I'm going to define one more term for  
5 you. I'm going to use the term "community of  
6 interest." By community of interest I mean people  
7 who share a common interest or a passion in a  
8 particular matter.

9 A Such as?

10 Q I gave you the example before of farmworkers, union  
11 members. Those aren't exclusive examples, there  
12 can be many different types of communities of  
13 interest, but I'm talking generally about people  
14 who share a common interest or a common trait and  
15 might work together as a community. Do you  
16 understand?

17 A Yes.

18 Q Okay. Do you know of any Democrat League member  
19 who as a result of the 2011 redistricting plans was  
20 cut off from their natural community of interest?

21 A Yes, I've heard --

22 Q Which League member?

23 A I cannot give you a name. I've heard many  
24 complaints about the 2011 maps, and its often been  
25 that communities have been broken up.

1 Q Communities of interest or communities --

2 A Both.

3 Q Both. I'm referring to -- in the latter to  
4 municipalities and townships, so the more  
5 colloquial use of the word "community."

6 You've heard complaints that both types  
7 of communities have been broken up?

8 A Correct.

9 Q Okay. Can you give me any specific examples?

10 A Well, the example that I -- that comes to mind when  
11 you ask that question is I hear complaints from the  
12 people who live in what's referred to as the  
13 Pointes, I believe there are five of them --  
14 Grosse Pointe this, that and the other, Woods,  
15 East, so forth -- who apparently were divided up so  
16 that people who live in some of the Pointes have a  
17 different representative than people who live in  
18 some of the other Pointes. And so I've heard  
19 people complain about that in terms of I guess you  
20 would call it dividing it up, dividing up a  
21 governmental unit in a way.

22 I'm sure there are other examples.  
23 That's the one that comes to mind because I've  
24 heard people complain about that.

25 I can't give you any examples of the

1 other community of interest definition that you  
2 were using where people are sharing a common  
3 interest or goal or something.

4 Q So the only examples that come to mind are breaking  
5 up of political boundaries or -- I'm sorry --  
6 municipal or government boundaries?

7 A Those are the ones that I'm thinking of at the  
8 moment when you ask me the question, yes.

9 Q And you're not aware of any other examples?

10 A Of those type of communities?

11 Q I'm talking about anything besides governmental  
12 boundaries.

13 A I see. I'm not remembering any at this moment.  
14 Doesn't mean that I wouldn't at another time.

15 Q What about the named plaintiffs in the case, do you  
16 know if any were separated from natural communities  
17 of interest?

18 A I don't know anything about the other named.

19 Q And what about stereotyping like we talked about  
20 before? Do you know if any of the named plaintiffs  
21 feel that they've been stereotyped by any of their  
22 elected officials?

23 A I can't speak for them. I don't know.

24 MR. SHANNON: Okay. Give me just a  
25 moment. We might want to take a break, actually,

1 we're about another hour through, and then I'll see  
2 if I have any more questions, and if not, we'll  
3 wrap.

4 THE WITNESS: Okay.

5 (Break taken at 11:02 a.m.)

6 (Break concluded at 11:15 a.m.)

7 MR. SHANNON: I don't have any further  
8 questions.

9 I did want to place a request on the  
10 record that Mr. Yeager produce to us the script  
11 that was used by the League's personnel in  
12 contacting its members as was referenced in the  
13 deposition.

14 I'll represent that Mr. Yeager provided  
15 to me a two-page list which we've referenced as the  
16 short list in this deposition.

17 MR. YEAGER: Does Mr. Gordon have any  
18 questions?

19 MR. SHANNON: Mr. Gordon, anything  
20 further?

21 MR. GORDON: No. I concur in those  
22 requests, and nothing further from congressional  
23 intervenors.

24 MR. YEAGER: Could I please have this  
25 marked as -- I think we're on Number 5?

1 CERTIFICATE OF NOTARY PUBLIC

2

3 I certify that this transcript is a  
4 complete, true, and correct record of the testimony  
5 of SUSAN K. SMITH held in this case on  
6 September 11, 2018.

7 I also certify that prior to taking this  
8 deposition the deponent was duly sworn to tell the  
9 truth.

10 I also certify that I am not a relative  
11 or employee of or an attorney for a party; or a  
12 relative or employee of an attorney for a party; or  
13 financially interested in the action.

14

15 September 11, 2018

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Suzanne Duda (CSR-3199)

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Registered Professional Reporter

Certified Realtime Reporter

21

Notary Public, Clinton County, Michigan

Acting in the County of Washtenaw

22

My commission expires: May 6, 2019

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